

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ALEXANDRIA ELIAS

Plaintiff,

v.

UNGAR'S FOOD PRODUCTS, INC.

Defendants.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Civil Action No. 06-2448(KSH)

ORDER ON INFORMAL  
APPLICATION

This matter having come before the Court by way of submission dated February 15, 2008, regarding the defendants' request for leave to conduct additional discovery or obtain a supplemental declaration from Mr. Aronson and regarding their potential request for a hearing on alleged spoliation; and the Court having conducted a telephone conference on the record on February 20, 2008; and the Court having considered the submission, arguments, and representations of the parties; and for the reasons set forth on the record; and for good cause shown,

IT IS on this 20<sup>th</sup> day of February, 2008

ORDERED that, no later than **February 27, 2008**, the parties shall advise the Court as to whether or not the defendants are requesting that the Court convene a spoliation hearing on whether or not plaintiff's laboratory's failure to retain samples of the tested products warrants a sanction of an adverse inference instruction or preclusion of evidence concerning the results of such testing;

IT IS FURTHER ORDERED that, no later than **March 5, 2008**, Mr. Aronson shall provide a supplemental declaration that addresses the following topics set forth in the email dated February 5, 2008: Topic Nos. 1, 4, 5, 7, and 9; and

IT IS FURTHER ORDERED that all other terms of the Final Pretrial Order dated January 15, 2008 shall remain in full force and effect.

s/Patty Shwartz  
UNITED STATES MAGISTRATE JUDGE